

November 3, 2014  
Antelope County Board  
Neligh, Nebraska

The Antelope County Board of Supervisor's convened in regular session on Monday, November 3, 2014 at 9:00 AM in the County Supervisor's room, Antelope County Courthouse annex, Neligh, Nebraska. Meeting called to order by Chairman Schwager with the following board members responding to roll call: Bolling, Brandt, Kerkman, Baker, Williby, Henery and Schwager. Chairman Schwager stated that the open meeting laws are posted on the east wall of the Supervisor's room with more copies available at the County Clerk's office.

Notice of the meeting was given in advance thereof by publication in the four county newspapers, legal newspapers printed and in general circulation in Antelope County, Nebraska as shown by proof of publication filed in the County Clerk's office. Agenda for said meeting was sent to all members of the County Board of Supervisor's.

Antelope County Weed Control Superintendent Bruce Ofe met with the board and informed them that he had spoken to Bob Willats and that he had said he is willing to serve on the Antelope County Weed Control Authority board. Motion by Henery, seconded by Williby to appoint Bob Willats to the Antelope County Weed Control Authority board for the unexpired term of David Willats who resigned September 1, 2014. Those voting aye: Bolling, Brandt, Kerkman, Baker, Williby, Henery and Schwager. Nays none. Motion carried.

Motion by Kerkman, seconded by Brandt to sign the Tilden Library agreement for 2014/2015 funding. Those voting aye: Brandt, Kerkman, Baker, Williby, Henery, Bolling and Brandt. Nays none. Motion carried.

**Interlocal Cooperation Agreement  
Between the City of Tilden and  
Antelope County**

THIS AGREEMENT IS MADE AND ENTERED INTO BY AND BETWEEN Antelope County, Nebraska, a Political Subdivision, by and through its Antelope County Board of Supervisors, (hereinafter referred to as "County") and the Antelope County Library Association consisting of the public libraries of the Cities of Tilden, Neligh and Elgin and the Villages of Oakdale, Brunswick, Clearwater and Orchard being a Municipal Corporations, by its respective Mayors, Chairpersons, and Trustees, respectively.

WHEREAS, Nebraska Revised Statute Section 13-801 Et. Seq., R.R.S. 1943 (reissued 1997), the "Nebraska Interlocal Cooperation Act" authorizes the parties hereto to unite their efforts and resources to accomplish the intent of this agreement; and

WHEREAS, the Antelope County Library Association, by and through their respective community libraries does agree to provide all services and materials to the residents of Antelope County, Nebraska, whom are not residents of the respective Municipal Corporations, under the same terms and conditions as provided to the residents of such Municipal Corporations;

WHEREAS, the Antelope County Library Association's mission statement is to serve the communities of Tilden, Neligh, Elgin, Oakdale, Brunswick, Clearwater and Orchard as well as all residents of rural Antelope County, Nebraska, as a resource for information, entertainment, cultural opportunity, and educational development, thereby enhancing and enriching the lives of the users. That the libraries within said communities shall be active and progressive institutions providing materials that reflect the needs and interests of its patrons. That said Library Association shall seek equitable funding, share materials and solutions to problems, provide access to resources beyond each of their individual facilities by cooperative agreements with library organizations at the local, regional and state levels and to strive to make use of all possible resources and ideas to meet the needs of the patrons of each of the communities and of the residents of the entire county.

WHEREAS, Nebraska Revised Statute Section 77-3442 R.R.S. 1943 (reissue 1996) provides that \$.05 per \$100.00 of taxable valuation of property subject to the county levy may only be levied to provide financing for the county's share of revenue required under an agreement executed pursuant to the Interlocal Cooperation Act.

NOW THEREFORE, in consideration of the foregoing recitals and their mutual covenants here and after expressed, the parties agree as follows:

1. Each of the communities, Brunswick, Orchard, Clearwater, Neligh, Elgin, Oakdale and Tilden by and through their public libraries commonly referred to as the Antelope County Library Association shall provide all services and materials currently available through the public libraries, to non-

residents of their community so long as such residents are residents of the county, under the same terms and conditions as such services and materials are provided to the resident of their respective communities.

2. That the County agrees to contribute financially to the Antelope County Library Association and agrees to implement a levy not to exceed \$.05 per \$100.00 of taxable valuation of property on an annual basis to the Antelope County Library Association, by paying to the respective libraries of the Cities of Neligh, Elgin and Tilden, and the Villages of Brunswick, Orchard, Clearwater and Oakdale the applicable amount as provided by this agreement. That a like amount shall be included in the County's budget, reviewable, on an annual basis. This funding to be supplemental funding and not replace other funding.
3. That this agreement shall have an effective date of July 1, 2014, and shall continue in full force and effect for a period of one year.
4. This agreement shall not be construed as to form an additional political subdivision. The parties hereto agree to comply with any and all laws, rules and regulations, whether same be local, state or federal, required in the administration and execution of the terms and provisions of this agreement. Further, that no party will assign any rights granted under this agreement.
5. This agreement shall be administered by the Antelope County Clerk, as directed by the respective board of the parties hereto.

IN WITNESS WHEREOF, the parties have executed the agreement on the dates appearing directly above their signatures.

**CITY OF TILDEN, NEBRASKA**

**Date approved by the City Council: October 13, 2014**

Steve Rutjens /s/ (SEAL)  
Mayor, City of Tilden

Attest: Silver Sibert /s/  
City Clerk

**ANTELOPE COUNTY, NEBRASKA**

**Antelope County Supervisors**

**Date approved by the Antelope County Board of Supervisors: November 3, 2014**

Jerald Schwager, Chairman /s/	Harlan Brandt /s/	Neil Williby /s/	LeRoy Kerkman /s/
Charles F. Henery /s/	Larry Baker /s/	Merlin Bolling /s/	

Supervisor Schwager presented three bids for the purchase of a pickup for the Brunswick barn. After reviewing the current expenditure report and the amount of funds in the County General Fund and the Road and Bridge Fund it was decided to not purchase the pickup at this time. Bids were not given to the County Clerk to have on file. No action taken.

The 2013/2014 County Audit was completed by the State Auditor's Office and a copy of the report was presented to all board members at the October 7<sup>th</sup>, 2014 meeting. Motion by Kerkman, seconded by Williby to accept the Antelope County Audit report for fiscal year 2013/2014 as completed by the State Auditors office; said report is on file with the county clerk's office and is opened for public inspection. Those voting aye: Kerkman, Baker, Williby, Henery, Bolling, Brandt and Schwager. Nays none. Motion carried.

Motion by Williby, seconded by Kerkman authorizing Chairman Schwager to sign the Certification of County Highway Superintendent for Determining Incentive Payment from January 1, 2014 to December 31, 2014; said form was received from the Nebraska Department of Roads. Those voting aye: Baker, Williby, Henery, Bolling, Brandt, Kerkman and Schwager. Nays none. Motion carried.

Discussion was held regarding the road starting at the intersection of 517 Avenue and 851 Road between Sections 7 and 8, Township 25 North, Range 7 West of the 6<sup>th</sup> P.M., Antelope County, Nebraska (Ord Township) and running south ½ mile to the section quarter corner line of the NE1/4 of Section 7 and the NW1/4 of Section 8 of said township. This portion of the road was officially opened in September of 1917 and has never been officially closed. The individuals disputing this road being opened were not present at the meeting. The county assessor checked the records and the county right of way which consists of approximately 1.9 acres was never taken off of the tax rolls and the current land owner has been paying taxes on this portion for several years. The total taxes paid during 2011, 2012 and 2013 on the 1.9 acres is approximated \$113.92 total. The county assessor has been advised to remove this road from the land owners parcel. No further action taken.

Curt Thiele met with the county board regarding the claim he submitted for payment on September 10, 2014 for culvert work; said bill was denied for payment at the October 14, 2014 board meeting. Mr. Thiele was notified by letter that his claim had been denied. Mr. Thiele stated that he had been authorized by one of the county road employees to do the culvert work. After a lengthy discussion Supervisor Bolling stated that he would like to speak with his employees to see what had transpired regarding this issue. He asked that the bill be resubmitted for payment at the November 10, 2014 board meeting and a decision would be made at that time whether to pay it or not. No action taken.

Antelope County Highway Superintendent Brian McDonald met with the county board and informed them that the county has 37 bridges that need to be inspected this year. Mr. McDonald said that he could do the bridge inspections at cost of \$135.00 per bridge. Motion by Kerkman, seconded by Williby to have the county highway superintendent conduct the 37 bridge inspections for the county at a cost of \$135.00 per bridge. Those voting aye: Williby, Henery, Bolling, Brandt, Kerkman, Baker and Schwager. Nays none. Motion carried.

Motion by Bolling, seconded by Kerkman authorizing Chairman Schwager to sign the resolution extending the county participation in NIRMA and NIRMA II for the period July 1, 2015 through June 30, 2018. Those voting aye: Henery, Bolling, Brandt, Kerkman, Baker, Williby and Schwager. Nays none. Motion carried.

**RESOLUTION FOR AMENDMENT AND ADDENDUM TO  
NIRMA/NIRMA II INTERGOVERNMENTAL/INTERLOCAL AGREEMENTS**

**WHEREAS**, Antelope County has previously entered into Intergovernmental/Interlocal Agreements with various other Nebraska Counties and other public agencies to form and participate in the Nebraska Intergovernmental Risk Management Association (NIRMA) and the Nebraska Intergovernmental Risk Management Association II (NIRMA II) as authorized by the Intergovernmental Risk Management Act (Neb.Rev.Stat. §13-801 et seq.); and

**WHEREAS**, Counties and other Public Agencies as defined in Neb.Rev.Stat. §44-4303 are allowed to participate in said cooperative undertakings; and

**WHEREAS**, the Legislature has found that proper risk management requires the spreading of risk so as to minimize fluctuation in insurance needs and that benefits can be derived through the pooling of insurance purchasing by local government, and

**WHEREAS**, NIRMA and NIRMA II have provided coverages to the County in a cost effective way which meet and exceed that provided by standard insurance carriers; and

**WHEREAS**, NIRMA and NIRMA II provide risk management services such as loss prevention, safety audits, claims and litigation management, and coverages tailored to address loss exposures counties and other related public entities face not economically available from other sources; and

**WHEREAS**, these coverages and risk management services are essential for the continued effective and efficient use of county taxpayer dollars; and

**WHEREAS**, the current Intergovernmental/Interlocal Agreements will expire on June 30, 2015, and  
**NOW, THEREFORE, BE IT RESOLVED** that the Antelope County Board hereby:

1. Extends its commitment to participate in NIRMA and NIRMA II for the period July 1, 2015 through June 30, 2018; and
2. Declares that this Resolution shall serve as an amendment and addendum to the previous Intergovernmental/Interlocal Agreements entered into by the County Board, said Intergovernmental/Interlocal Agreements readopted by and incorporated herein by this reference as amended.

After motion duly made by member Bolling and seconded by member Kerkman, the following members voted by roll call vote in favor of passage and adoption of said Resolution: Baker, Williby, Henery, Bolling, Brandt, Kerkman and Schwager. The following members voted against the same: None. The following members were absent or not voting: None.

**PASSED AND APPROVED** this 3<sup>rd</sup> day of November, 2014.

Attest:

Carolyn Pedersen /s/ (SEAL)  
County Clerk

Antelope County Board  
Jerald Schwager /s/  
Chairperson/Presiding Officer

The following correspondence was reviewed and placed on file: receipt showing that the \$10,074.00 NIRMA dividend was divided up and deposited in the General Fund and Road and Bridge Fund; Memorandum from

NIRMA regarding the dividend check; and letter from the Nebraska Department of Roads regarding the implementation of Buy America Policy for Utility Relocations.

Reviewed the Notice of Findings from the Health and Humans Services Department for the County General Assistance fund.

Motion by Henery, seconded by Kerkman to approve the 7 applications for permit submitted by Elkhorn Rural Public Power District to place permanent power lines beneath the following roads within Antelope County – crossing 852 Road at the SW1/4 of Section 32, Township 26 North, Range 5 West of the 6<sup>th</sup> P.M., to the NW1/4 of Section 5, Township 25 North, Range 5 West of the 6<sup>th</sup> P.M.; crossing 529 Avenue at the SE1/4 of Section 31, to the SW1/4 of Section 32, Township 26 North, Range 5 West of the 6<sup>th</sup> P.M.; crossing 852 Road at the SE1/4 of Section 36, Township 26 North, Range 6 West of the 6<sup>th</sup> P.M., to the NW1/4 of Section 6, Township 25 North, Range 5 West of the 6<sup>th</sup> P.M.; crossing 852 Road at the SW1/4 of Section 31, Township 26 North, Range 5 West of the 6<sup>th</sup> P.M., to the NW1/4 of Section 6, Township 25 North, Range 5 West of the 6<sup>th</sup> P.M.; crossing 529 Avenue at the NE1/4 of Section 19, to the NW1/4 of Section 20, Township 25 North, Range 5 West of the 6<sup>th</sup> P.M.; crossing 527 Avenue at the SE1/4 of Section 35 to the SW1/4 of Section 36, Township 26 North, Range 6 West of the 6<sup>th</sup> P.M.; and crossing 528 Avenue at the SE1/4 of Section 36, Township 26 North, Range 6 West of the 6<sup>th</sup> P.M., to the SW1/4 of Section 31, Township 26 North, Range 5 West of the 6<sup>th</sup> P.M., all in Antelope County, Nebraska; purpose of service line is to bury power line due to NPPD building new 115KV line where Elkhorn Rural Public Power line is located; all work to be done according to State specs. Those voting aye: Henery, Bolling, Brandt, Kerkman, Baker, Williby and Schwager. Nays none. Motion carried.

Motion by Williby, seconded by Kerkman to adjourn. Those voting aye: Kerkman, Baker, Williby, Henery and Schwager. Brandt and Bolling absent. Nays none. Motion carried.

Meeting adjourned at 10:15 AM.

ANTELOPE COUNTY BOARD OF SUPERVISORS

By: \_\_\_\_\_  
Chairman of County Board

Attest: \_\_\_\_\_  
Antelope County Clerk